

BOARD OF SELECTMEN

Minutes of the Meeting of 6 June 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard, Patricia Roggeveen and Whiting Willauer. Chairman Willauer called the meeting to order at 6:00 PM.

Announcements. Chairman Willauer recognized the 2007 High School Whaler girls softball team for its flawless 18-0 record and those present showed their support via applause.

Transportation Planner Michael Burns provided a status report on the Pleasant Street round-about.

Town Administrator C. Elizabeth Gibson announced a "Do-the-Ride-Thing" program next week co-sponsored by the Nantucket Regional Transit Authority and Visitor Services Department. Chairman Willauer shared information on a kayaking safety seminar sponsored by Nantucket Community Sailing, Lifesaving Museum and others on June 10, 2007.

Police Chief Pittman reviewed downtown parking improvements originating with the traffic safety workgroup to increase the number of parking spaces. He noted that trees are planned for a section along Centre Street along with a couple of benches to be secured to the sidewalk; a taxi waiting area on New Whale Street will be moved to three existing spaces on Straight Wharf down from Captain Tobey's with the designation of the former taxi space as a public drop off area; an additional parking space will be made available on Federal Street at Chestnut Street due to the recent change in one-way streets; a parking space on Broad at the current sheriff space will be re-designated for public parking, and sheriff daytime parking spots will be created on the opposite side of Federal Street; and two of the police vehicle spaces on Chestnut Street (near Federal Street) will be available to the public daily after 4:00 PM.

Public Comment. Dr. John West spoke about health hazards on beaches in response to comments made recently by Town officials.

Approval of Minutes of 29 May 2007 at 9:00 AM, 23 May 2007 at 6:00 PM, 22 May 2007 at 9:00 AM, 17 May 2007 at 9:30 AM and 16 May 2007 at 6:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Weeks Ending 27 May 2007 and 3 June 2007. The Board approved the payroll warrants by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 6 June 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

Annual Appointments to Boards, Committees, Commissions. Chairman Willauer reviewed the process, noting that three votes are required for an applicant to be appointed for terms to begin in fiscal year 2008.

Mr. Kopko moved to appoint the applicants running unopposed for three-year terms ending in 2010 unless otherwise indicated. Mr. Reinhard seconded. So voted unanimously to appoint Peter Sutro

to Cable Television Advisory Committee, Frank Spriggs to Capital Program Committee, Diane Coombs as Planning Board Alternate, Pamela Bartlett to Scholarship Committee, Dale Waine to Zoning Board of Appeals for a five-year term ending in 2012 and Lisa Botticelli as Zoning Board of Appeals Alternate for a term to end in 2008.

Appointments continued for each committee in sequence for three-year terms ending in 2010 unless otherwise indicated.

Airport Commission (1 seat). Mr. Kopko, Mr. Reinhard and Chairman Willauer voted for Finn Murphy. Mr. Chadwick and Ms. Roggeveen voted for Charles Gibson. So voted to appoint Mr. Murphy.

Commission on Disability (2 seats with 2010 term end and 2 seats with 2008 term end). Chairman Willauer noted that the Board may appoint up to 4 individuals, keeping disabled individuals as the majority membership. For two seats with 2010 term ends, Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Ellen Braginton-Smith. Mr. Kopko, Ms. Roggeveen and Chairman Willauer voted for David Gray. Mr. Chadwick and Ms. Roggeveen voted for Jeanette Topham and Richard Moran respectively. So voted to appoint Ms. Smith and Mr. Gray.

For two seats with 2008 term ends, Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for both Richard Moran and Jeanette Topham. So voted to appoint Mr. Moran and Ms. Topham.

Conservation Commission (3 seats). Mr. Kopko, Mr. Reinhard and Chairman Willauer voted for Andrew Bennett. Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for John Braginton-Smith. Mr. Chadwick, Mr. Kopko, Mr. Reinhard and Chairman Willauer voted for David Gray. Ms. Roggeveen voted for Steve Meadow. Mr. Chadwick and Ms. Roggeveen voted for Jamie Ranney. So voted to appoint Mr. Bennett, Mr. Braginton-Smith and Mr. Gray.

Contract Review Committee (1 seat). Mr. Chadwick voted for Pamela Bartlett. Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Mary Wawro. So voted to appoint Ms. Wawro.

Council on Aging (3 seats). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for both Carol Barrett and Susan Bennett-Witte. Mr. Chadwick, Mr. Kopko and Chairman Willauer voted for Brenda Johnson. Mr. Reinhard and Ms. Roggeveen voted for M. Gregory Mehringer and Patricia Thornton respectively. So voted to appoint Ms. Barrett, Ms. Bennett-Witte and Ms. Johnson.

Council for Human Services (3 seats with 2010 term end and 2 seats with 2008 term end). For three seats with 2010 term ends, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Jacqueline McGrady. Mr. Chadwick, Mr. Reinhard, Ms. Roggeveen and Chairman

Willauer voted for M. Gregory Mehringer. Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Eve Messing. Mr. Chadwick voted for Nancy Sevens. So voted to appoint Ms. McGrady, Mr. Mehringer and Ms. Messing.

For two seats with 2008 term ends (to fill two vacancies due to resignations on the 6 June 2007 agenda), Mr. Kopko, Ms. Roggeveen and Chairman Willauer voted for Susan Marques. Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Nancy Sevens. Mr. Chadwick and Mr. Reinhard voted for Richard Ross. So voted to appoint Ms. Marques and Ms. Sevens.

Cultural Council (2 seats). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for both David Provost and Marina Sutro. So voted to appoint Mr. Provost and Ms. Sutro.

Energy Study Committee (5 seats). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Carl Borchert, Michael Burns, Barbara Gookin and Anne Miller. Mr. Reinhard and Chairman Willauer voted for Robert Schwarzenbach. Mr. Chadwick, Mr. Kopko and Ms. Roggeveen voted for Alexandra Welsh. So voted to appoint Mr. Borchert, Mr. Burns, Ms. Gookin, Ms. Miller and Ms. Welsh.

Finance Committee (3 seats). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for both Peter Morrison and Michael Rosen. Mr. Kopko, Mr. Reinhard and Chairman Willauer voted for Charity Benz. Mr. Chadwick and Ms. Roggeveen voted for Tim Soverino. So voted to appoint Ms. Benz, Mr. Morrison and Mr. Rosen.

Nantucket Historical Commission (2 seats). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Aaron Marcavitch. Mr. Chadwick, Mr. Reinhard and Ms. Roggeveen voted for Mark Voigt. Mr. Kopko and Chairman Willauer voted for Deborah Timmerman. So voted to appoint Mr. Marcavitch and Mr. Voigt.

Park and Recreation Commission (1 seat). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Maureen Beck. So voted to appoint Ms. Beck.

Town/County Right-of-Way Committee (1 seat). Mr. Kopko, Mr. Reinhard, and Chairman Willauer voted for D. Anne Atherton. Mr. Chadwick and Ms. Roggeveen voted for Donald Visco. So voted to appoint Ms. Atherton.

Tree Advisory Committee (1 seat). Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Michael Misurelli. So voted to appoint Mr. Misurelli.

Visitor Services and Information Advisory Committee (3 seats with 2010 term ends and 2 seats with 2009 term ends). For three seats with 2010 term ends, Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for both Charles Balas and Gene Mahon. Mr. Chadwick, Mr. Kopko and Chairman Willauer voted for Diane Reis Flaherty. Mr. Reinhard and

Ms. Roggeveen voted for Louise Swift. So voted to appoint Mr. Balas, Ms. Flaherty and Mr. Mahon.

For two seats with 2009 term ends, Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for Louise Swift. Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted for David Place. Mr. Chadwick did not cast a vote for a second applicant.

Chairman Willauer thanked all applicants and encouraged those not appointed to continue their interest. He also reminded appointees to be sworn in by the Town Clerk before the first meeting in fiscal year 2008 of their respective committees.

Public Hearings.

1. Public Hearing to Consider the Application for a Common Victualler License for Blue Water Bakery Café dba Blue Water Bakery Café, Matthew Stein, Manager, for the Premises Located at 7 Old South Wharf. Chairman Willauer opened the public hearing. Matthew and Cara Stein, co-owners of the business, spoke in support of the application. No one spoke in opposition. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the Common Victualler license application contingent upon compliance with applicable Town rules, regulations and bylaws. Mr. Chadwick seconded. So voted unanimously.

2. Board of Public Works: Public Hearing to Consider Citizen Request for Variance from Sanitary Sewer Policy Regarding the Premises Located at 41 Madaket Road. Chairman Willauer opened the public hearing. Ms. Gibson introduced the matter, referencing the Board-adopted Sanitary Sewer Policy, which prohibits private sewer lines in public roads, but does allow for variances in certain circumstances. Mr. and Mrs. Riley Hayford spoke in support of the request, stating that they have a failed septic system. DPW Director Jeffrey Willett spoke in favor of the proposal and recommended that other properties could connect if/when necessary and eventually the town sewer would reach this area of the sewer district, eliminating any need for private septic systems. Mrs. Hayford spoke about the history of the matter, noting that former Planning Director John Pagini had advised that a public line was available for tie in across the street and subsequently systems have been designed for the erroneously described line. Mr. Willett provided clarification of how sewer lines are taken over by the Town. He asked the Board to grant the variance to allow the Hayfords to construct a sewer line from their property to Dukes Road including the opportunity for others to tie in. Discussion followed on confirmation of the failed system, the Hayfords being in the sewer district and future needs. Ms. Roggeveen spoke in support of a variance. Rick Atherton commented on seeking more information and reviewing options, suggesting a possible divided betterment fee to address the situation short term. Mr. Willett stated that capacity of the new private line would be enough to serve all the properties it will pass. Discussion followed on waiting a week to decide on the variance request. Chairman Willauer closed the public hearing. Ms. Roggeveen moved to grant the variance as requested for the construction of a sewer line from 41 Madaket Road to the public sewer at Dukes Road on Madaket Road in accordance with conditions recommended by Mr. Willett as follows:

That the Hayfords, as owners of the privately owned sewer line, construct the line with sufficient capacity to meet potential future needs, not to exceed a total of 2,000 gallons per day;

That the Hayfords, or subsequent owners of the sewer line in question, grant permission for future connection to the line, provided that such connection request will not cause the 2,000 gallon per day limit to be exceeded;

And that the owners of the line may require, as a condition of permission, that the applicant reimburse the owner for a reasonable proportional cost of constructing the sewer line, which is permitted through the sewer connection permitting process by the Department of Public Works. Mr. Reinhard seconded. So voted unanimously.

Citizen/Departmental Requests.

1. Citizen Request for Acceptance of Private Sewer Line on Tashama Lane. Charles Stewart, an abutter, expressed interest in tying into the subject sewer line spoke in support of the request. DPW Director Jeff Willett explained the situation, noting that the line was built to Town specifications in the Town sewer district. Mr. Kopko moved to accept the private sewer line as described. Mr. Reinhard seconded. So voted unanimously.

2. Veterans of Foreign Wars: Request for Waiver of Park and Recreation Fee for Annual Carnival Held at Tom Nevers Park. Mr. Kopko moved that the matter be closed and that the Board take no action. Mr. Chadwick seconded. Mr. Chadwick, Mr. Kopko, Ms. Roggeveen and Mr. Reinhard voted in favor of the motion. Mr. Kopko spoke in support of the Park and Recreation Commission fee schedule. Chairman Willauer voted in opposition. Discussion followed on the need for consistency in applying the fee schedule including to the number of worthy non-profits on the island.

3. Committee Resignations: Council for Human Services. Mr. Chadwick moved to accept the resignations and to send a letter of thanks to Patricia Roggeveen and Michelle Meckler. Mr. Kopko seconded. So voted with Mr. Chadwick, Mr. Kopko, Mr. Reinhard and Chairman Willauer voting in favor. Ms. Roggeveen abstained.

4. Sherburne Turnpike Abutters: Request for Acceptance of Monetary Gift to Defray Expenses of Pending Real Estate Transactions. Ms. Gibson explained that certain Sherburne Turnpike abutters want to provide the Town with funds to offset or cover the expenses associated with the real estate transactions authorized by Article 73 of the 2007 Annual Town Meeting, which authorized the Town to dispose of three parcels of County property within the Sherburne Turnpike right-of-way. Attorney Arthur Reade, representing the abutters, welcomed any questions. Discussion followed on the property size and the plan to pay fair compensation later for the surplus property. Mr. Kopko moved to accept the \$5,000 gift for the purpose so described. Mr. Reinhard seconded. So voted unanimously.

5. Citizen Request for Waiver of Noise Bylaw for Wedding on July 14, 2007. Chairman Willauer advised the Board of a request by the citizen to continue the matter to June 13, 2007, to which the Board consented.

6. Nantucket Land Council: Request for Approval and Execution of Conservation Restriction for Premises Located at 9 Vesper Lane. Ms. Gibson provided information on the restriction to preserve a two-acre vacant area, which abuts Mill Hill Cemetery and Mill Hill Park. Lynn Zimmerman, Associate Director of the Nantucket Land Council, spoke in support of the restriction on land later to be sold to the Land Bank. Discussion followed on the blanket prohibitions and reserved rights. Attorney Richard Loftin, representing owner of the property Nancy Sevrems, noted her hard work to craft the restriction to protect the land near the cemetery from development. Mr. Kopko moved to approve and execute the restriction finding it is in the public interest. Ms. Roggeveen seconded. So voted unanimously.

7. Trustees of Nanahumacke Preserve Subdivision: Request for Acceptance of Grant of Easement in Conjunction with Planning Board Conditions of Approval. Attorney Arthur Reade provided information on the easement as required by the Planning Board in its subdivision plan approval and noted that the document has been favorably reviewed by Town Counsel's office. Mr. Kopko moved to accept an easement granted by the Trustees of Nanahumacke Preserve Subdivision for secondary emergency access, passage by foot, and potential construction and use of bicycle path along Hummock Pond Road in conjunction with Planning Board conditions. Mr. Reinhard seconded. So voted unanimously.

8. Roads and Rights-of-Way Committee: Request for Endorsement of Revised Road Takings Priority List. Mr. Reinhard provided information on the list and how it was compiled, noting that the only significant change since January 2006 is the addition of Macy's Lane from Hinsdale Road to Old South Road included to facilitate a future bicycle path from Milestone Road to Old South Road at the request of Transportation Planner Michael Burns. He added that the list was approved by the Roads and Right-of-Way Committee on April 24, 2007. Discussion followed on the taking of roads. Island resident Jack Gardner reminded the Board of the possibility of opening areas up for subdivision when taking roads. Michael Rosen asked about East Creek Road and Mr. Reinhard responded that it is already owned by the Town, but needs to be laid out. Mr. Kopko moved to accept the Revised Road Takings Priority List and to take the recommendations under advisement. Ms. Roggeveen seconded. So voted unanimously.

Town Administrator's Report.

1. Announcements.

Special Town Election. Ms. Gibson thanked voters for approving the ballot question for a debt exclusion override on June 5, 2007 to fund items approved at the 2007 Annual Town Meeting.

Street Opening Regulations. She mentioned a pending draft document on Street Opening Regulations to be made available to contractors before the Board votes on it. Discussion followed on the need for the policy. The Board agreed to schedule this for a July public hearing with a meeting among contractors to occur prior.

Sewer Rate Update. Ms. Gibson announced a sewer rate study update will occur over the next few months.

2. Update on Development of 2 Fairgrounds Road. Ms. Gibson provided background information and a status report of the property and next steps, including presentation of a space needs feasibility study to the Board on June 13, 2007; design of a public safety facility to occur by the fall with appropriation for construction to be prepared for 2008 Annual Town Meeting; a housing program to be developed and establishment of a community/cultural arts center workgroup at some point.

Selectmen's Reports/Comment.

1. Review of Draft Mission Statement for Harbor Plan Implementation Committee. Chairman Willauer read the draft mission statement and discussion followed on the necessity of the committee; the mission statement wording; the importance of providing some leeway to the committee and looking at the group as one to help prioritize the plan. The Board consented to take no action on the item until its next meeting.

2. Other Comments. Mr. Reinhard commented on the "healthy" appointment process. Ms. Roggeveen thanked all applicants for their interest. Chairman Willauer noted the high caliber of applicants, especially for the Airport Commission.

The meeting adjourned at 8:35 PM.

Approved the 20th day of June 2007.